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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 THE JAZZ OF TACOMA FEEL THE BEAT,

11 Plaintiff,

12 v.

13 BONE THUGZ 'N' HARMONY, *et al.*,

14 Defendants.

Case No. C08-5264FDB

ORDER OF DISMISSAL

15 Plaintiff Jazz evidently began its efforts to sue defendants in this court with its complaint filed
16 July 27, 2007 (C07-5384RJB). That case was marked by non-conforming responses to court orders
17 and continuances, as well as an order to show cause to Plaintiff corporation relative to the
18 requirement that a corporation be represented by counsel. Before the case was dismissed on
19 February 1, 2008 for failure to prosecute in accordance with the Court's initial orders, Plaintiff
20 asserted that the parties were attempting to settle without the defense counsel having to formally
21 appear in the matter.

22 Plaintiff Jazz filed the above-captioned case on April 30, 2008. On August 28, 2008, Plaintiff
23 moved for a default judgment, which the Court denied, there being no demonstration of proper
24 service upon the defendants. Moreover, the Court was concerned with a lack of subject matter
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1 jurisdiction because of a lack of sufficient amount in controversy. On October 14, 2008, a show
2 cause order was entered giving notice of intent to dismiss because – as in the previous case – the
3 parties had failed to prosecute this case and to file a joint status report.

4 Plaintiff Jazz now requests an extension of time and requests that the Court either set a
5 default hearing in sixty days or give Plaintiff thirty days to serve the defendants individually.
6 Plaintiff's response reflects a profound lack of understanding of the need for proper service of
7 process. Plaintiff represents in the request that since its previously filed case (C07-5384RJB,
8 referenced above), Defendants have never answered and that since the refiling there has been no
9 contact or answers from the defendants. (Plaintiff's Request, Dkt. # 9, p. 2.) Plaintiff states that if
10 the Court is not satisfied with service, "I can have them served individually in thirty days. Now that I
11 know the Court's concern I will address it; however, for some reason the court's order on the
12 motion to default was not sent to me until October 23, 2008." (Plaintiff's Request, Dkt. # 9, p. 2.)

13 Plaintiff Jazz's response to the order to show cause and to the court's concerns regarding
14 jurisdiction utterly fails to respond to the Court's concerns regarding subject matter jurisdiction or to
15 support a continuance under all the circumstances. The Court cannot maintain an open case while
16 Plaintiff desultorily attempts to prosecute its case against the defendants on its own schedule.

17 NOW, THEREFORE, IT IS ORDERED: Plaintiff's "Request For Extension of Time" [Dkt.
18 # 9] is DENIED, and this cause of action is DISMISSED.

19 DATED this 31st day of October, 2008.

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22 FRANKLIN D. BURGESS
23 UNITED STATES DISTRICT JUDGE
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